IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

CRP.No. 769 of 2007()

OPELE.252/2002 of ADDL.DISTRICT COURT-I,MAVELIKKARA

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REVN. PETITIONER: IST RESPONDENT

POWER GRID CORPORATION OF INDIA LTD,
LOCAL OFFICE, NANGIARKULANGARA,
KAYAMKULAM,REPRESENTED BY ITS MANAGER.

BY ADV. SRI.M.A.SHAFIK

RESPONDENTS:

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1. SRI.KOCHUVELU PANICKER,
INJAKKOTTU KIZHAKKATHIL,
THAMALLAKKAL,ALAPUZHA DISTRICT.

2. CHIRATHA BHARATHI,
INJAKKOTTU KIZHAKKATHIL,
THAMALLAKKAL, ALAPUZHA DISTRICT.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.769 of 2007

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Dated this the 4th day of October, 2007.

ORDER

This Civil Revision Petition is preferred against the order of the Additional District Judge, Mavelikkara in O.P.(Ele) No.252 of 2002. By the said order, the court awarded an enhanced compensation of Rs.7,810/-. As per the decision of the Apex Court in **K.S.E.B.** v. **Livisha** - 2007(3) K.L.T. 1, "The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used." So it is this principle that has to be applied while awarding compensation.

2. Here, the total extent of land possessed by the petitioner is only 3.50 ares of land and major portion of the land had been covered by the line. Admittedly, when it is the situation, he cannot construct the building nor he can plant trees which will rise to considerable height and therefore there is certainly lose of diminution of value and that has to be considered in awarding compensation. The Additional District Court rightly fixed the rate per cent at Rs.5,000/- and considering the fact that the land can be used for other purposes only awarded 30% as compensation for diminution of land value and utility of the land of the petitioner. Applying the dictum laid down by the Apex Court the award of the additional District Judge strictly conforms with the requirements and therefore, I do not find any ground to interfere with the decision of the court below.

Civil Revision Petition is dismissed.

M.N.Krishnan,
Judge.

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